IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 26067 of 2007(C)

PETITIONER:

CHITHRAJAN, AGED 29 YEARS,
S/O.KUNJAPPAN M.V., NADAKKAL VEEDU, TUTHUR,
ETTUKUDUKKA P.O., KARIVELLUR, KANNUR DISTRICT,
PIN- 670 521.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

1. THE KANNUR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
KANNUR UNIVERSITY CAMPUS, MANGATTUPARAMBA,
KANNUR.

2. THE SYNDICATE, REPRESENTED BY ITS
CHAIRMAN, KANNUR UNIVERSITY CAMPUS,
MANGATTUPARAMBA, KANNUR.

3. THE SELECTION COMMITTEE CONSTITUTED TO
THE POST OF READER IN THE DEPARTMENT OF LAW,
REPRESENTED BY ITS CHAIRMAN/VICE CHANCELLOR,
UNIVERSITY OF KANNUR, KANNUR UNIVERSITY CAMPUS,
MANGATTUPARAMBA, KANNUR.

4. DR.N.K.JAYAKUMAR, MEMBER,
SELECTION COMMITTEE CONSTITUTED FOR SELECTION TO
THE POST OF READER IN THE DEPARTMENT OF LAW,
KANNUR UNIVERSITY CAMPUS, MANGATTUPARAMBA,
KANNUR.

5. DINKAR V.R., S/O.V.RAVEENDRAN,
RESIDING AT ARUNODAYAM, KOOTHALI P.O.,
THIRUVANANTHAPURAM.

R1 TO R3 BY ADV.SRI.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.26067 OF 2007

Dated this the 24th day of August, 2007

JUDGMENT

The petitioner is a student of law in the Kannur University. This writ petition is filed challenging the appointment of the 5th respondent as a Reader in the Department of Law of that University. Faced with the judgment of the Division Bench of this Court in W.P(C).17036/07, rejecting a similar writ petition by another student, on the ground that the lis is essentially a PIL in nature, learned counsel for the petitioner raised two fold contentions. Firstly, it is pointed out that in contract distinctions to the decisions of the Apex Court in **Kushum Lata** v. **Union of India** [(2006) 6 SCC 180], in **Duryodhan Sahu (Dr.)** v. **Jitendra Kumar Mishra** [(1998) 7 SCC 273] and in **Dr.(Mrs.) Meera Massey** v. **Dr.S.R.Mehrotra and Others** (AIR 1998 SC 1153), the Apex Court had also entertained the writ petition filed by a Professor challenging the appointment of a Lecturer. On the basis of that judgment, it is argued that the prime

contention is to ensure that the credibility of University education is not to be watered down.

2. The second point urged is that the petitioner, being a student, is the beneficiary of the instructions that would be imparted by the 5th respondent as a Reader and it will be against his interest, as a student, to be instructed by the 5th respondent, who, according to the petitioner, is unqualified to hold the post of Reader.

3. I may notice that the judgment in W.P(C).17036/07 was rendered on a writ petition filed by yet another student like the petitioner and propriety in writ jurisdiction requires that when the constitutional courts have decided certain issues in their larger quorum, it has to be taken that all incidental questions have also been answered and a second look on the issue would not generally germinate out of the same on the ground that there are different views possible. Under such circumstance, the decision in that writ petition is to be followed.

In the result, the writ petition fails and the same is accordingly dismissed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.